

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 21-MJ- 4071

ROGER ROBERTS

Defendant

CRIMINAL COMPLAINT

I, KATHRYN M. GAMBLE, Special Agent with the Department of Homeland Security, Homeland Security Investigations, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or before October 19, 2020, in the Western District of New York, the defendant ROGER ROBERTS violated Title 18, United States Code, Section 2252A(a)(2) and 2252A(a)(5) and (b)(2), offenses described as follows:

the defendant did knowingly receive and possess child pornography involving prepubescent minors that had been shipped or transported using any means or facility of interstate or foreign commerce or that had been shipped or transported in or affecting interstate or foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2) and Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2).

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF KATHRYN M. GAMBLE, SPECIAL AGENT, HSI

☒ Continued on the attached sheet.


Complainant's signature

KATHRYN M. GAMBLE, Special Agent, HSI
Printed name and title

Application submitted by email/pdf and attested to me and before me as true and accurate by telephone consistent with Fed.R.Crim.P. 4.1 and 41(d)(3).

Date: May 24, 2021


Judge's signature

City and State: Rochester, New York

HON. MARIAN W. PAYSON, United States Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS.:
CITY OF ROCHESTER)

KATHRYN M. GAMBLE, being duly sworn, deposes and states:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI). I have been employed as a Special Agent since June 2008. I am currently assigned to the Buffalo, New York office. I am responsible for investigating crimes involving child exploitation and child pornography including violations of Title 18, United States Code, Sections 2251(a) (production of child pornography); 2422(b) (online enticement of minors); 2252A(a)(2)(A) (receipt of child pornography); and 2252A(a)(5)(B) (possession of child pornography). I have received extensive training with respect to child exploitation and child pornography investigations. I have participated in hundreds of child exploitation and child pornography investigations and executed numerous search warrants involving child pornography and the seizure of computers and other storage media. I have interviewed many individuals involved in child pornography and the sexual exploitation of children and have viewed several thousand of images and videos depicting child pornography as defined by Title 18, United States Code, Section 2256(8).

2. This affidavit is submitted in support of a criminal complaint charging Roger ROBERTS with knowingly violating Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2) (Possession of Child Pornography Involving Prepubescent Minors) and Title 18, United States Code, Section 2252A(a)(2) (Receipt of Child Pornography) (hereinafter,

collectively the "TARGET OFFENSES").

3. The information contained in this affidavit is based upon my personal knowledge and investigation of this matter, my training and experience, conversations with other law enforcement officers, my review of documents and records, and my review of preliminary computer forensic findings.

4. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a criminal complaint, I have not included every fact known to me as a result of this investigation. Rather, I have set forth facts that I believe are necessary to demonstrate probable cause to believe that ROBERTS committed the TARGET OFFENSES.

BACKGROUND OF INVESTIGATION

Initial Complaint from CW

5. On October 19, 2020, the New York State Police (NYSP) in Wolcott, NY received a walk-in complaint from COOPERATING WITNESS ("CW").

6. CW reported that she got into a domestic dispute with her husband, Roger ROBERTS, after she came home from work early and observed ROBERTS at the home computer in his underwear. CW reported that she believed ROBERTS may have been masturbating.

7. A verbal argument ensued between CW and ROBERTS. The argument became physical when CW attempted to enter the den of the residence, where the computer was located, to see what ROBERTS was looking at on the screen.

8. ROBERTS grabbed CW by her wrists and threw her over a large chair in the den. Then, ROBERTS grabbed the computer monitor and smashed it to the ground.

9. But before ROBERTS grabbed the monitor away, CW was able to see what looked like children on the computer screen.

10. CW then told ROBERTS that she was going to call the police. At that time, ROBERTS pulled out his pump action shotgun, racked the action back and forth, and said, "go ahead, there'll be bloodshed before they get here." ROBERTS attempted to stop CW from leaving the house or calling 911.

11. CW reported that she has observed child pornography on ROBERTS's personal cell phone and on the family computer multiple times over the past few years. CW described one image that she saw as depicting the genitals of prepubescent female children. She also observed a file titled "Masturbating blow job 8YO" on the family computer and, when she opened this file, she described the contents as horrifying and sexual in nature.

12. CW also told investigators that ROBERTS has a Snapchat account that he uses to try and talk to young girls. According to CW, the couple's daughter has observed ROBERTS snap chatting with young girls on his phone.

13. CW provided NYSP verbal and written consent to search her residence, 8179 East Port Bay Road, Wolcott, NY 14590, including any outbuildings on the property.

Arrest and Interview of ROBERTS

14. That same day, October 19, 2020, NYSP Wolcott Troopers went to 8179 East

Port Bay Road, Wolcott, NY 14590, and placed Roger ROBERTS under arrest for multiple violations of New York State law.

15. ROBERTS was transported to the NYSP Wolcott office without incident. There, ROBERTS was advised of his *Miranda* rights, which he waived verbally before engaging in an interview with NYSP Investigator Szklany.

16. In sum and substance, ROBERTS told investigators that he and his wife had gotten into an argument that morning. He did not recall specifically what he was doing on the computer when his wife came home. He admitted to pulling out his shotgun during the argument because he got enraged when his wife confronted him about viewing child pornography. ROBERTS denied viewing or possessing child pornography.

17. ROBERTS told Inv. Szklany that he does utilize the social media application Snapchat.

Search of 8179 East Port Bay Road

18. NYSP investigators subsequently returned to 8179 East Port Bay Road, Wolcott, NY 14590, to search the property (as CW had previously given them permission to do).

19. During the search of the residence, NYSP investigators observed impressions in the carpeting in the first-floor den, indicating that furniture had recently been removed. Power cords and computer related equipment were present in the den; however, no computer was present. Investigators found DEVICE 1 (an Apple iPhone Model A1687), and two Remington shotguns in the residence. CW informed the investigators that DEVICE 1

belonged to ROBERTS.

20. During the search of a barn located on the property, just across the street from the main residence, NYSP discovered damaged remains of a computer desk and computer components within a garbage toter in the driveway of the barn. Notably absent was a computer tower and/or hard drive.

21. Inside of the barn, there was a pile of wood construction scraps and full sheets of plywood. Concealed within the wood scraps, NYSP investigators discovered a damaged Dell computer tower, DEVICE 2 (an Apple iPhone Model A1688), and 10 additional firearms. CW told investigators that DEVICE 2 belonged to ROBERTS and that it was his work phone.

22. NYSP secured and seized DEVICE 1, DEVICE 2, the Dell computer tower, and twelve (12) firearms that were discovered during their search.

23. On October 20, 2020, an order of protection was issued against ROBERTS ordering that he stay away from CW. When ROBERTS accepted service of this Order, he told NYSP about one additional firearm, a pistol, that he owns. ROBERTS told NYSP that the pistol is hidden in a bucket in the barn on his property. This pistol was later found and seized by NYSP as well.

Forensic Analysis of the Devices

24. On October 22, 2020, Wayne County Court Judge Daniel Barret signed a search warrant authorizing NYSP to conduct a search of the Dell computer, DEVICE 1, and DEVICE 2.

25. On November 19, 2020, NYSP Computer Crimes Unit (CCU) completed the interim forensic analysis of the Dell computer tower. This computer tower is a Dell Model D16M, bears Service Tag number 93BXV52, and was manufactured in China. In total, 69 images and 13 videos of child pornography were found on the Dell computer.

26. On February 2, 2021, I reviewed the contraband files that were located on the Dell computer tower described above. Below are three descriptions of files that were present on the computer:

- a. **File: 0000656 Carved.mp4** - This is a video file, approximately 1 minute and 57 seconds in length, that depicts a collage of different prepubescent female children with their genitals exposed and/or being orally, vaginally, or anally penetrated by adult male penises and/or being sexually abused by adult females.
- b. **File: 0000010 Carved.jpg** - This is an image file that depicts a prepubescent female child lying nude on her back with a nude adult male kneeling between her legs anally penetrating her with his erect penis. The child has a white substance on and around her vagina.
- c. **File: 0000058 Carved.jpg** - This is an image file that depicts a prepubescent male child lying on a bed, nude from the waist down. An adult male is kneeling between the child's legs and is anally penetrating him with his erect penis.

27. Based on my training and experience, I believe that these files constitute child pornography as defined by Title 18, United States Code, Section 2256(8).

28. NYSP investigators were unable to conduct a search of DEVICE 1 and DEVICE 2 due to password encryption.

29. Unlike NYSP, HSI possesses decryption technology that allows HSI to search DEVICE 1 and DEVICE 2.

30. Therefore, on February 10, 2021, HSI applied for and received federal search warrants for DEVICE 1 and DEVICE 2 from United States Magistrate Judge Hon. Mark W. Pedersen.

31. HSI computer forensic agents subsequently extracted the data from DEVICE 1 and DEVICE 2 and provided the extracted data to the investigating agents for review.

32. HSI agents did not locate any child pornography on DEVICE 2.

33. HSI agents did however locate numerous files of child pornography on DEVICE 1.

34. Below are descriptions of two files that were present within the "Snapchat Received Videos" media folder on DEVICE 1:

- a. **File:cm-chat-media-video-AF508D2E-E927-44F7-94E7-5B673B3D2D90.mov** – This video file is approximately 30 seconds in length and depicts a prepubescent female child standing nude in front of a nude adult male. During the video, the adult male puts his erect penis in the child's mouth.
- b. **File:cm-chat-media-video-CC358780-C3FA-4CE0-93D9-96A3698235C1.mov** – This video file is approximately 26 seconds in length and depicts an infant female child lying on a blanket wearing a onesie that is pulled up to her chest and no diaper; the infant's vagina is exposed to the camera. A female hand is rubbing the infant's vagina and a woman's voice is repeatedly saying, "you wanna see me lick that little pussy so bad." The female then proceeded to lick the infant's vagina.

35. Based on my training and experience, I believe that these files constitute child pornography as defined by Title 18, United States Code, Section 2256(8).

Snapchat Messages on Device 1

36. HSI agents also observed Snapchat account “picmenyy” on DEVICE 1. Upon review of the “Snapchat Chat Messages” on DEVICE 1, HSI agents observed numerous Snapchat communication strings between Snapchat user “picmenyy” and various other Snapchat users. Many of the communication strings are believed to contain only partial conversations and many appear to be sexual in nature.

37. For example, on or about October 19, 2020, “picmenyy” communicated with Snapchat user “s*****_b*****”¹ (display name “B”). The first two messages in this conversation string were sent by “picmenyy” and show “No message content to display.” Then, “picmenyy” says, “He pops right in her ass; Can I see her sleeping and your wet pussy xx.” “s*****_b*****” replies by sending two messages back, both that show, “No message to display.” “s*****_b*****” sends a third message that reads, “Sorry I took so long internet is bad.”

38. During further review of the DEVICE 1 extraction, HSI agents discovered an image from Snapchat that depicts a young, white female (possibly a minor), with light brown hair and blue eyes. The image shows a “B” in the top corner, consistent with where the Snapchat display name would be located. HSI agents observed this same young female in numerous other images in the “Pictures” Folder on DEVICE 1. The pictures of this young female include multiple pictures of her face and sexually explicit pictures of her nude vagina, to include images of objects inserted into her vagina, and numerous pictures of her with young

¹ This Snapchat use name is redacted because the owner has been identified as a minor, as set forth in Paragraph 43, below.

children.

39. One of the children commonly seen in the images with the young female is a female child, approximately 4-6 years old, with blonde hair. This child is seen in pictures alone and with another child. There are pictures of this child in a bathroom with her nightgown pulled up exposing her vagina for the camera. There are also pictures of this child sleeping with an adult hand pulling her underwear into her buttocks, grasping the child's buttocks, and moving the underwear to expose more of the child's buttocks. In addition to these images, there is a video that depicts this child, nude from the waist down, lying on a bed and exposing her nude vagina to the camera. During this video, the child is wearing a My Little Pony t-shirt and she is heard saying "S*****" (the same first name as Snapchat username s*****_b*****) over and over. There is a pillow on the child's bed with Anna from the movie Frozen on it. This same pillow is visible in the images of the child sleeping when the pictures of her buttocks were taken.

40. On or about April 7, 2021, HSI submitted a preservation letter to Snap, Inc., requesting that Snap preserve the account "picmenyy" for at least 90 days. On or about April 21, 2021, HSI obtained a warrant signed by United States Magistrate Judge Hon. Mark W. Pedersen to search the account "picmenyy." The warrant was subsequently served on Snap, Inc. and HSI is still awaiting the results.

41. HSI agents also requested and obtained subscriber information and login IP addresses for Snapchat user "s*****_b*****". HSI agents conducted a query within the Maxmind IP Geolocation database and discovered the IP addresses associated with the "s*****_b*****" Snapchat account geolocate to cities in England.

42. On or about May 3, 2021, HSI Buffalo agents requested assistance from the HSI Attaché London office to assist in the identification of “s*****_b*****” and the minor female child described above in Paragraph 39.

43. On or about May 7, 2021, HSI Attaché London provided that “s*****_b*****” has been identified and that she is 13 years old (hereinafter “MINOR VICTIM 1”). The minor female child referenced in Paragraph 39 has also been identified and she is 5 years old (hereinafter “MINOR VICTIM 2”).

44. HSI Attaché London provided that when MINOR VICTIM 1 was interviewed, she stated that she did engage in a chat with “picmenyy” on Snapchat. MINOR VICTIM 1 also admitted that she sent sexually explicit images of herself to “picmenyy.” MINOR VICTIM 1 further stated that “picmenyy” then blackmailed her into sending additional sexually explicit images of herself and of MINOR VICTIM 2 to “picmenyy.” MINOR VICTIM 1 stated that “picmenyy” threatened to distribute the sexually explicit images of MINOR VICTIM 1 if she did not comply with his request and send additional sexually explicit images.

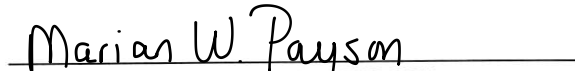
CONCLUSION

45. Based on the foregoing, I respectfully submit that there is probable cause to believe that Roger ROBERTS did knowingly violate Title 18, United States Code, Sections 2252A(a)(2) and 2252A(a)(5) and (b)(2).



KATHRYN M. GAMBLE
Special Agent
Homeland Security Investigations

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 41(d)(3) on 24 day of May, 2021.



HON. MARIAN W. PAYSON
United States Magistrate Judge